

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ULYSSES RODRIGUEZ CHARLES,
Plaintiff,
v.
CITY OF BOSTON, et al.,
Defendants.

C.A. No. 04-10986-NG

SECOND JOINT MOTION FOR ENLARGEMENT OF DISCOVERY PERIOD

Plaintiff Ulysses R. Charles and Defendants City of Boston and Stanley I. Bogdan respectfully move for a 120-day enlargement of the current scheduling order, endorsed by the Court on July 19, 2006, as follows:

- (a) Fact discovery will be completed by February 28, 2007.
- (b) Plaintiff will disclose his expert(s) and produce Rule 26(a)(2)(b) report(s) by April 16, 2006.
- (c) Defendants will disclose their expert(s) and produce Rule 26(a)(2)(b) report(s) by May 16, 2007.
- (d) The parties will serve any motion for summary judgment no later than June 15, 2007.

As reasons for the enlargement, the parties state as follows:

1. As the Court is aware, this case concerns events that took place well over two decades ago, in the early 1980s. It involves many witnesses, a large volume of documents (many old and difficult to locate), and many contentious legal and factual issues impinging on discovery.
2. The parties have been engaged in substantial ongoing discovery. On both sides, they have now propounded more than one set of interrogatories and document

requests, and have produced thousands of documents. However, this discovery is not yet complete and cannot reasonably be completed by the current deadline.

3. The parties have also conferred several times, either formally or informally, regarding discovery disputes and issues, and they continue to attempt to resolve or narrow any disputes without the need for judicial recourse, to the extent possible.

4. In addition, the parties are also engaged in taking an extensive series of depositions, including those of numerous third party witnesses, some of whom are located out of state.

5. Notwithstanding the parties' significant efforts, additional time is required in order to continue complete all of the needed depositions and the written discovery and to review and analyze documents.

6. Because all parties join in this motion, no party will be prejudiced by its allowance. In addition, the requested enlargement will ensure that, through full discovery, the Court has the facts necessary to render a just decision. Accordingly, the interests of justice and judicial economy will be served by the allowance of this motion.

WHEREFORE, the parties respectfully request that the Court issue an order endorsing the dates set forth above as the effective dates of the case scheduling order.

Respectfully Submitted,

DEFENDANTS, STANLEY BOGDAN
and THE CITY OF BOSTON,
By their attorney:

/s/ Thomas R. Donohue
Thomas R. Donohue (BBO# 643483)
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Respectfully Submitted,

PLAINTIFF, ULYSSES R. CHARLES
By his attorneys:

/s/ Mayeti Gametchu
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DATED: October 13, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to parties registered as participants as identified on the Notice of Electronic Filing and that on October 13, 2006 paper copies will be sent to any party not indicated to be a registered participant.

/s/ John Pagliaro
John Pagliaro

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